

1 JANET L. CHUBB, ESQ.  
 2 Nevada State Bar No. 176  
 2 LOUIS M. BUBALA III, ESQ.  
 3 Nevada State Bar No. 8974  
 3 JONES VARGAS  
 4 100 W. Liberty St, 12<sup>th</sup> Floor  
 4 P.O. Box 281  
 5 Reno, NV 89504-0281  
 5 Telephone: 775-786-5000  
 6 Fax: 775-786-1177  
 6 Email: [jlc@jonesvargas.com](mailto:jlc@jonesvargas.com)  
 7 and [tbw@jonesvargas.com](mailto:tbw@jonesvargas.com)  
 7 and [lbubala@jonesvargas.com](mailto:lbubala@jonesvargas.com)

*Electronically Filed on  
 December 18, 2006*

8 **Attorneys for Objecting JV Creditors:**

9 Charles B. Anderson Trust; Rita P. Anderson  
 Trust; Baltes Company; Kehl Family Members;  
 Judith L Fountain Irrevocable Trust Dated  
 8/26/97; and Mojave Canyon, Inc.

11 **UNITED STATES BANKRUPTCY COURT**

12 **DISTRICT OF NEVADA**

13 In re:

14 USA COMMERCIAL MORTGAGE COMPANY,  
 15 Debtor.

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

16 USA CAPITAL REALTY ADVISORS, LLC, Debtor.

Chapter 11

17 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 18 LLC, Debtor.

**PARTIAL JOINDER IN  
 OBJECTION OF USA  
 INVESTMENT PARTNERS, LLC,  
 JOSEPH MILANOWSKI AND  
 THOMAS HANTGES TO  
 CONFIRMATION OF DEBTORS'  
 THIRD AMENDED JOINT  
 CHAPTER 11 PLAN OF  
 REORGANIZATION  
 (AFFECTS ALL DEBTORS)**

19 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 20 Debtor.

21 USA SECURITIES, LLC,  
 22 Debtor.

23 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Hearing Date: December 19, 2006  
 Hearing Time: 10:00 a.m.

25 The Objecting JV Creditors, Robert J. Kehl, Ruth Ann Kehl, Daniel J. Kehl, Kehl  
 26 Development, Kevin Kehl, Kevin Kehl for Susan L. Kehl, Kevin Kehl for Andrew Kehl, Warren  
 27 Hoffman Family Investments, LP, Judy A. Bonnet, Robert A. Kehl and Tina M. Kehl, Krystina L.  
 28 Kehl, Christina M. Kehl, Kevin McKee, Cynthia Winter, Charles B. Anderson Trust, Rita P.

1 Anderson Trust, Baltes Company, Judith L Fountain Irrevocable Trust Dated 8/26/97, and Mojave  
2 Canyon Inc., by and through their counsel, Janet L. Chubb, Esq., and Louis M. Bubala III, Esq., of  
3 Jones Vargas, hereby incorporate, as if set forth herein, and join in the Objection of USA  
4 Investment Partners, LLC, Joseph Milanowski and Thomas Hantges to Confirmation of the  
5 Debtors' Third Amended Joint Chapter 11 Plan of Reorganization filed on December 11, 2006, as  
6 to the argument that trust account is not property of the estate, but not regarding issues of  
7 ownership of documents or loss of equity ineterst.

8 DATED this 18<sup>th</sup> day of December, 2006.

9 JONES VARGAS

10 By: //s// Janet L. Chubb  
11 JANET L. CHUBB, ESQ.  
12 LOUIS M. BUBALA, ESQ.

13 Attorneys for Objecting JV Creditors

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20  
21  
22  
23  
24  
25  
26  
27  
28  
JONES VARGAS  
100 W. Liberty Street, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, Nevada 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

## **CERTIFICATE OF SERVICE**

1. We filed and served the following document(s) on December 18, 2006:

**PARTIAL JOINDER IN OBJECTION OF  
USA INVESTMENT PARTNERS, LLC,  
JOSEPH MILANOWSKI AND THOMAS HANTGES  
TO CONFIRMATION OF THE DEBTORS' THIRD AMENDED  
JOINT CHAPTER 11 PLAN OF REORGANIZATION**

2. Upon filing, I served the above-named document(s) by the following means to the persons as listed below:

- a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

- MICHELLE L. ABRAMS mabrams@mabramslaw.com
- FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com
- NANCY L ALLF nallf@parsonsbehle.com, klawrence@parsonsbehle.com; tthomas@parsonsbehle.com; ecf@parsonsbehle.com
- FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov
- OGONNA M. ATAMOH oatamoh@nevadafirm.com, bkecf@nevadafirm.com; paltstatt@nevadafirm.com; sliberio@nevadafirm.com
- KERIANN M ATENCIO ATENCIO@GTLAW.COM
- BMC GROUP, INC. evrato@bmcgroup.com, ecf@bmcgroup.com; jmiller@bmcgroup.com; jbartlett@bmcgroup.com
- KELLY J. BRINKMAN kbrinkman@gooldpatterson.com
- THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com
- ANDREW M. BRUMBY abrumbry@shutts-law.com, rhicks@shutts-law.com; lmackson@shutts-law.com
- MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-reynolds.com
- CANDACE C CARLYON ltreadway@sheacarlyon.com, ccarlyon@sheacarlyon.com; bankruptcyfilings@sheacarlyon.com; rmsmith@sheacarlyon.com
- ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com
- MICHAEL W. CHEN yvette@ccfirm.com
- KEVIN B. CHRISTENSEN kbchrislaw@aol.com
- JANET L. CHUBB tbw@jonesvargas.com
- JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com
- WILLIAM D COPE cope\_guerra@yahoo.com
- CICI CUNNINGHAM bankruptcy@rocgd.com
- LAUREL E. DAVIS bklscly@lionelsawyer.com, ldavis@lionelsawyer.com; gbagley@lionelsawyer.com; ldavisesq@aol.com
- DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com
- THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM
- SCOTT D. FLEMING sfleming@halelane.com, dbergsing@halelane.com, ecfvegas@halelane.com
- GREGORY E GARMAN bankruptcynotices@gordonsilver.com
- WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com

**JONES VARGAS**  
100 W. Liberty Street, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, Nevada 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

- CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov, Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov
- GERALD M GORDON bankruptcynotices@gordonsilver.com
- R. VAUGHN GOURLEY vgourley@lvcm.com
- TALITHA B. GRAY bankruptcynotices@gordonsilver.com
- JAMES D. GREENE bknotice@schrecklaw.com
- MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com
- JEFFREY R. HALL jhall@sheacarlyon.com, bankruptcyfilings@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com
- XANNA R. HARDMAN xanna.hardman@gmail.com
- STEPHEN R HARRIS noticesbh&p@renolaw.biz
- JEFFREY L HARTMAN notices@bankruptcyreno.com
- BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com
- RANDOLPH L. HOWARD rhoward@klnevada.com, ckishi@klnevada.com;bankruptcy@klnevada.com
- DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net
- CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com
- EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com
- TY E. KEHOE TyKehoeLaw@aol.com
- ROBERT R. KINAS rkinas@swlaw.com, jlustig@swlaw.com;imccord@swlaw.com
- ZACHARIAH LARSON ecf@lslawnv.com
- JOHN J. LAXAGUE jlaxague@caneclark.com
- GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net
- NILE LEATHAM nleatham@klnevada.com, ckishi@klnevada.com;bankruptcy@klnevada.com
- ROBERT C. LEPOME rlepome@cox.net, smstanton@cox.net
- ANNE M. LORADITCH ecffilings@beckleylaw.com, aloraditch@beckleylaw.com;pkois@beckleylaw.com
- PATRICIA A. MARR jjllaw@leelaw.lvcoxmail.com, lvlaw03@yahoo.com;mark@leelaw.lvcoxmail.com
- JAMES C. MCCARROLL , dturetsky@reedsmith.com;aleonard@reedsmith.com
- REGINA M. MCCONNELL rmcconnell@kssattorneys.com
- WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com
- RICHARD MCKNIGHT mcknightlaw@cox.net, gkopang@lawlasvegas.com;cburke@lawlasvegas.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com
- SHAWN W MILLER bankruptcyfilings@sheacarlyon.com, smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmit h@sheacarlyon.com
- DAVID MINCIN mcknightlaw@cox.net, gkopang@lawlasvegas.com;dmincin@lawlasvegas.com,cburke@lawlasvegas.com
- JOHN F MURTHA jmurtha@woodburnandwedge.com
- ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com
- VICTORIA L NELSON bkecf@nevadafirm.com, vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@nevadafirm.com

- 1     • BOB L. OLSON ecffilings@beckleylaw.com,  
2     bolson@beckleylaw.com;dgriffis@beckleylaw.com
- 3     • DONNA M. OSBORN ebaker@marquisaurbach.com,  
4     dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurba  
5     ch.com
- 6     • ANDREW M. PARLEN aparlen@stutman.com
- 7     • DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com
- 8     • PAUL C RAY info@johnpeterlee.com
- 9     • SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com
- 10    • LENARD E. SCHWARTZER bkfiling@s-mlaw.com
- 11    • JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,  
12    ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com
- 13    • SHLOMO S. SHERMAN ssherman@sheacarlyon.com,  
14    aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon  
15    .com;rmsmith@sheacarlyon.com
- 16    • AMBRISH S. SIDHU ecf@lslawnv.com
- 17    • JEFFREY G. SLOANE gjklepel@yahoo.com, rmconnell@kssattorneys.com
- 18    • ALAN R SMITH mail@asmithlaw.com,  
19    turk@asmithlaw.com;marsh@asmithlaw.com;darby@asmithlaw.com
- 20    • DAVID A. STEPHENS dstephens@lvcm.com
- 21    • PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com
- 22    • JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com,  
23    David@sylvesterpolednak.com
- 24    • CARYN S. TIJSSELING ctijsseling@beckleylaw.com, jblair@beckleylaw.com
- 25    • AMY N TIRRE atirre@kkbrf.com, lleverett@kkbrf.com
- 26    • U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov
- 27    • GREGORY J. WALCH GWalch@Nevadafirm.com
- 28    • RUSSELL S. WALKER rwalker@wklawpc.com,  
eloveridge@wklawpc.com;lboynton@wklawpc.com;ckirk@wklawpc.com
- 29    • WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com
- 30    • WILLIAM J. WRAY wjw@oreillylawgroup.com,  
rh@oreillylawgroup.com,bc@oreillylawgroup.com,lc@oreillylawgroup.com,ddh@oreillyl  
awgroup.com,mr@oreillylawgroup.com
- 31    • JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com
- 32    • MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com
- 33    • ANTHONY A. ZMAILA azmaila@nevadafirm.com,  
bkecf@nevadafirm.com;mbarnes@nevadafirm.com,paltstatt@nevadafirm.com

23           **9 b. United States mail, postage fully prepaid** (list persons and addresses):

24           **9 c. Personal Service** (list persons and addresses):  
25           I personally delivered the document(s) to the persons at these addresses:

26           **9** For a party represented by an attorney, delivery was made by  
27           handing the document(s) to the attorney or by leaving the document(s) at  
28           the attorney's office with a clerk or other person in charge, or if no one is in  
charge by leaving the document(s) in a conspicuous place in the office.

JONES VARGAS  
100 W. Liberty Street, 12<sup>th</sup> Floor  
P.O. Box 281  
Reno, Nevada 89504-0281  
Tel: (775) 786-5000 Fax: (775) 786-1177

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

- d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

**Frank Merola, Eve Karasik & Christine M. Pajak**  
fmerola@stutman.com; ekarasik@stutman.com; cpajak@stutman.com

**Marc A. Levinson & Lynn Trinka Ernce**  
malevinson@orrick.com;lernce@orrick.com

**Andrew Welcher c/o William E. Winfield,  
wwinfield@nchc.com**

**Annette W. Jarvis, Steven C. Strong, & Douglas M. Monson**  
ajarvis@rqn.com; sstrong@rqn.com; dmonson@rqn.com

**Leonard E. Schwartzer**  
Lschwartzer@s-mlaw.com

**Gregory E. Garman**  
geg@gordonsilver.com

**Rob Charles**  
rcharles@rlaw.com

**August B. Landis**  
Augie.landis@usdoj.gov

**9 e. By fax transmission (list persons and fax numbers):**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

**9 f. By messenger:**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 18<sup>th</sup> day of December, 2006.

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Name Tawney Waldo

//s// Tawney Waldo  
Signature